

# KENTUCKY

## STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) For FY 2007-2010

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### AMENDMENT #2006.035

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#### **I. Proposed Action:**

The Kentucky Transportation Cabinet (KYTC) hereby submits the attached resolutions from the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) Metropolitan Planning Organization. The first resolution concerns the adoption of the final FY 2008-2011 Transportation Improvement Program (TIP) and the determination of the consistency of the TIP with air quality conformity regulations. The second resolution concerns the certification of the Urban Transportation Planning process. The KYTC requests inclusion of OKI's FY 2008-2011 TIP in the KYTC FY 2007-2010 Statewide Transportation Improvement Program (STIP). (Go to <http://www.oki.org/transportation/tip.html> to download the entire OKI FY 2008-2011 TIP).

**Location:** Ohio-Kentucky-Indiana Area Metropolitan Planning Organization

#### **Scope of Activity:**

Amend the FY 2007-2010 STIP to include OKI's final FY 2008-2011 TIP.

#### **II. Additional Remarks:**

Included in the attachments are two signed resolutions, a letter from OKI, and the TIP report abstract.

#### **III. Amendment Approval:**

Amendment Recommended for Approval:

  
\_\_\_\_\_  
Kentucky Transportation Cabinet      Date      4/30/07

Approval of STIP Amendment:

  
\_\_\_\_\_  
Federal Highway Administration      Date      7/2/07



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

# Memorandum

Subject: Letter of Support  
Cincinnati MPO

Date: May 31, 2007

From: Jose Sepulveda  
Kentucky Division Administrator  
Frankfort, KY

In Reply Refer To:  
HDA-KY

To: Dennis A. Decker  
Ohio Division Administrator  
Columbus, OH

The Kentucky Division Office of the Federal Highway Administration (FHWA) in consultation with Region 4 of the United States Environmental Protection Agency (EPA), have reviewed the following document:

**2008-2011 Transportation Improvement Program (TIP)  
Amendment 4 to the 2030 Transportation Plan for the  
Cincinnati Area Metropolitan Planning Organization (MPO)  
(MPO resolution approval date of April 12, 2007)**

The Kentucky Environmental and Public Protection Cabinet's Division for Air Quality, the Kentucky Transportation Cabinet's Division of Planning, the Kentucky Transportation Cabinet's Office of Transportation Delivery, and the Transit Authority of Northern Kentucky (TANK) also had an opportunity to review and comment on the above-mentioned documents.

We found that these documents met the five primary criteria of the Transportation Conformity Rule (62 FR 43779, August 15, 1997):

- use of the latest planning assumptions,
- use of the latest emissions model,
- use of appropriate consultation procedures,
- consistency with the mobile source emission budgets in the State Implementation Plan (SIP), and
- provisions for timely implementation of transportation control measures in the SIP.

We also found that these documents met the criteria outlined in the Transportation Conformity Rule Revision for the 8-hour Ozone and PM<sub>2.5</sub> Standards (69 FR 40004, July 1, 2004) and the Transportation Conformity Rule Revision for PM<sub>2.5</sub> (70 FR 24280, May 6, 2005).

**We therefore support the Ohio Division of the Federal Highway Administration in making a positive conformity finding on the referenced documents for the 8-hour ozone and PM<sub>2.5</sub> standards.**

**MOVING THE  
AMERICAN  
ECONOMY**

cc: Mark Policinski, Cincinnati Area MPO  
Kay T. Prince, USEPA-R4  
John Lyons, KYEPPC – DAQ  
William Nighbert, KYTC - Administration  
Ray Polly, KYTC-Administration  
Ron Rigney, KYTC-Program Management  
Vickie Bourne, KYTC – Transportation Delivery  
Daryl Greer, KYTC – Planning



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

Ohio Division Office  
200 North High Street  
Columbus, Ohio 43215

June 28, 2007

Director James Beasley, P.E., P.S.,  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, OH 43223

In Reply Refer To:  
HPD-OH

Dear Director Beasley:

On May 15, 2005 you requested we make a conformity determination for the Cincinnati 8-hour ozone and PM 2.5 nonattainment area. Your request included documentation of the appropriate public involvement activities, the air quality conformity analyses for State Fiscal Year (SFY) 2008-2011 TIP, the amended 2030 Transportation Plan, and the appropriate MPO Board conformity determination resolution.

The Cincinnati area includes the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) which is the MPO for this ozone nonattainment area. On April 15, 2004 the Ohio counties of Butler, Warren, Clinton, Hamilton, and Clermont, the Kentucky counties of Boone, Campbell, and Kenton, and a portion of Dearborn County in Indiana were designated as a basic ozone nonattainment area under the 8-hour national ambient air quality standard. On January 5, 2005 Butler, Clermont, Clinton, Hamilton and Warren Counties in Ohio; Boone, Campbell, and Kenton Counties in Kentucky; and a portion of Dearborn County in Indiana were designated a PM 2.5 nonattainment area.

There are five primary criteria of the conformity rule (62 FR 43779) and the Transportation Conformity Rule Amendments (69 FR 40004), which must be met. These criteria include: use of the latest planning assumptions, use of the latest emissions model, use of appropriate consultation procedures, consistence with the mobile source emissions budget in the State Implementation Plan (SIP), and provisions for timely implementation of transportation control measures in the SIP.

We have reviewed the Air Quality Conformity documentation and coordinated with the US Environmental Protection. Please reference your copy of USEPA's March 8, 2006 comment letter. The review was consistent with the August 15, 1997 rule and subsequent July 1, 2004 conformity rule revision entitled, "Transportation Conformity Rule Amendments: Conformity Amendments for New 8-hour Ozone and PM2.5 National Ambient Air Quality Standards,

**MOVING THE**  
**AMERICAN**  
**ECONOMY**

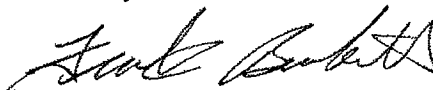


Response to March 1999, Court Decision and Additional Rule Changes," (69 FR 40004) and the May 6, 2005, final PM2.5 precursor rule (70 FR 24280). Accordingly, FHWA and FTA find that the Cincinnati nonattainment area's SFY 2008-2011 TIP and amended 2030 TP conform to the 1990 Clean Air Act and the current State Implementation Plan for PM 2.5, oxides of nitrogen as a precursor to PM 2.5 and the 8-hour ozone as required by the conformity rule, effective July 1, 2007.

In June of 2004 FTA Region V and FHWA-OH signed a Memorandum of Agreement (MOA) covering each agency's roles and responsibilities concerning transportation conformity findings. In accordance with that MOA, FHWA-OH has conferred with FTA-V with regard to the conformity determination for the Cincinnati 8-hour ozone and PM2.5 nonattainment area and is issuing this finding on behalf of both Agencies.

If you have any questions or comments, please contact Mr. Frank Burkett, Air Quality Specialist, at (614) 280-6838, or [frank.burkett@fhwa.dot.gov](mailto:frank.burkett@fhwa.dot.gov).

Sincerely,



For:

Dennis A. Decker  
Division Administrator

cc: Jennifer Townley, ODOT  
Dave Moore, ODOT  
David Werner, FTA  
Patricia Morris, USEPA

File: 8-G-1



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

Ohio Division Office  
200 North High Street  
Columbus, Ohio 43215

June 29, 2007

In Reply Refer To:  
HPD-OH

Director James Beasley, P.E., P.S.,  
Ohio Department of Transportation  
1980 West Broad Street  
Columbus, OH 43223

Dear Director Beasley:

This letter is in response to your letter dated May 14, 2007 requesting our review of the Ohio-Kentucky-Indiana Council of Governments (OKI) gap analysis report. The purpose of the gap analysis is to identify the areas that need to be addressed in order to implement the new planning provisions outlined in SAFETEA-LU. The FHWA Ohio Division Office has determined that the gap analysis adequately identified the work that would need to be accomplished in order to find the planning process was in substantial compliance with the SAFETEA-LU requirements by July 1, 2007.

If you have any questions or comments, please contact Mr. Stew Sonnenberg, Planning Engineer at (614) 280-6838 or [stew.sonnenberg@fhwa.dot.gov](mailto:stew.sonnenberg@fhwa.dot.gov).

Sincerely,

For: Dennis A. Decker  
Division Administrator

**MOVING THE**  
**AMERICAN**  
**ECONOMY**



cc:

H. Wood, ODOT  
J. Townley, ODOT  
D. Moore, ODOT  
A. Fluegeman, D-8  
M. Policinski, OKI  
D. Werner, FTA-5  
B. Dupont, FHWA-KY  
L. Heil, FHWA-IN  
H. Rodrigo, HPD-OH  
S. Sonnenberg, HPD-OH

File: 8-H-4 (OKI)



**RESOLUTION**  
**OF THE EXECUTIVE COMMITTEE OF THE**  
**OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS**  
**CONCERNING**  
**CERTIFICATION OF THE URBAN TRANSPORTATION**  
**PLANNING PROCESS**

**WHEREAS,** the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) is designated as the Metropolitan Planning Organization (MPO) by the Governors of Ohio, Kentucky and Indiana, acting through the Ohio Department of Transportation (ODOT), the Kentucky Transportation Cabinet (KYTC) and Indiana Department of Transportation (INDOT) in cooperation with locally elected officials in the Cincinnati, Middletown urbanized areas as evidenced in the Agreement, number 3206, between ODOT and OKI dated July 1, 1979 and the Agreement between KYTC and OKI dated July 1, 1983 encompassing the Counties of Butler, Clermont, Hamilton and Warren in the State of Ohio, and Boone, Campbell and Kenton in the Commonwealth of Kentucky and Dearborn County Indiana; and

**WHEREAS,** the federal regulations pertaining to Urban Transportation Planning, published as 23 CFR 450.334, require the MPO, ODOT, KYTC and INDOT to certify that the transportation planning process cooperatively conducted is in conformance with the regulations; and

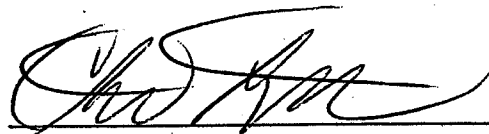
**WHEREAS,** the federal regulations also require that the metropolitan transportation planning process be carried out in accordance with all applicable requirements including:

- (1) 23 U.S.C. 134, 49 U.S.C. 5303;
- (2) Sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
- (3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- (4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- (5) Section 1101(b) of the SAFETEA- LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- (6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- (7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) and 49 CFR parts 27, 37, and 38;
- (8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;

- (9) Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- (10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

**WHEREAS**, the United States Department of Transportation conducted an on-site triennial certification review at the Ohio-Kentucky-Indiana Regional Council of Governments offices in December, 2004, and issued a subsequent finding that the Ohio-Kentucky-Indiana Regional Council of Governments was fully certified as meeting all pertinent requirements;

**NOW, THEREFORE, BE IT RESOLVED** that the Executive Committee of the Ohio-Kentucky-Indiana Regional Council of Governments, at its public meeting of March 8, 2007 certifies, in consideration of the requirements listed herein and to the degree appropriate for the size of the area and the complexity of its transportation problems, that the urban transportation planning process is being carried out in conformance with all the applicable federal requirements.



**CHRISTINE L. MATAKIC, PRESIDENT**

3/08/07  
rwk



**Ohio • Kentucky • Indiana**  
*Regional Council of Governments*

April 24, 2007

Mr. Ron Rigney, P.E.  
Director  
KYTC – Division of Program Management  
200 Mero Street  
Mail Code 6-14  
Frankfort KY 40622

Re: Final OKI FY 2008 – 2011 TIP

Dear Mr. Clark:

Please find enclosed one copy of the Final OKI Fiscal Years 2008 – 2011 Transportation Improvement Program (TIP). The TIP was approved by the OKI Board of Trustees at their April 12, 2007 meeting; a copy of the resolution is included with this correspondence. All public comments received pertaining to the OKI FY 2008 – 2011 TIP were noted in Appendix A.

If you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark R. Paine". The signature is fluid and cursive, with the first name "Mark" being the most prominent.

Mark R. Paine  
TIP Manager

*Christine L. Matacic*  
President

*Mark R. Policinski*  
Executive Director

**RESOLUTION**

**OF THE BOARD OF DIRECTORS OF THE  
OHIO-KENTUCKY-INDIANA REGIONAL COUNCIL OF GOVERNMENTS**

**CONCERNING  
ADOPTION OF THE FY 2008 – 2011 TRANSPORTATION IMPROVEMENT  
PROGRAM AND THE  
DETERMINATION OF THE CONSISTENCY OF THE  
TRANSPORTATION IMPROVEMENT PROGRAM WITH  
AIR QUALITY CONFORMITY REGULATIONS**

**WHEREAS**, the Ohio-Kentucky-Indiana Regional Council of Governments ("OKI") is designated as the Metropolitan Planning Organization ("MPO") by the Governors of Ohio, Kentucky and Indiana acting through the Ohio Department of Transportation, the Kentucky Transportation Cabinet and the Indiana Department of Transportation, and in cooperation with locally elected officials for the Counties of Butler, Clermont, Hamilton and Warren in the State of Ohio, Boone, Campbell and Kenton in the Commonwealth of Kentucky, and Dearborn County in Indiana; and

**WHEREAS**, the MPO has, pursuant to 49 U.S.C. 5323 (k), 23 U.S.C. 135, and 23 CFR 450.220, developed the OKI Fiscal Years 2008 – 2011 Transportation Improvement Program, as a short-range element of the OKI 2030 Regional Transportation Plan 2004 Plan Update, dated June 2004; and

**WHEREAS**, the Ohio counties of Butler, Clermont, Hamilton and Warren, the Kentucky counties of Boone, Campbell and Kenton, and a portion of Dearborn County, Indiana have been classified as a nonattainment area for ozone and PM2.5; and

**WHEREAS**, the entire region is subject to conformity rules for nonattainment areas; and

**WHEREAS**, OKI has conducted a detailed analysis to establish the air quality conformity of the OKI Fiscal Years 2008 – 2011 Transportation Improvement Program, using guidelines issued by the Federal Highway Administration and the United State Environmental Protection Agency; and

**WHEREAS,** OKI has determined that there is conformity between the OKI Fiscal Years 2008 – 2011 Transportation Improvement Program and the Ohio, Kentucky and Indiana State Implementation Plans; and

**WHEREAS,** the OKI Fiscal Years 2008 – 2011 Transportation Improvement Program will become effective concurrent with US DOT approval of the Fiscal Years 2008 – 2011 State Transportation Improvement Programs for Ohio, Kentucky and Indiana;

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the OKI Board of Directors adopts the OKI Fiscal Years 2008 – 2011 Transportation Improvement Program as the short range element of the OKI 2030 Regional Transportation Plan 2004 Plan Update, dated June 2004 for the Counties of Butler, Clermont, Hamilton and Warren in the State of Ohio; Boone, Campbell and Kenton in the Commonwealth of Kentucky; and Dearborn County in Indiana, and recommends that its members incorporate these improvements into their planning for transportation improvements in their governmental units; and
2. That the OKI Board of Directors hereby affirms the conformity between the OKI Fiscal Years 2008 – 2011 Transportation Improvement Program and the Ohio, Kentucky and Indiana State Implementation Plans.

So Resolved this 12<sup>th</sup> day of April, 2007.

A handwritten signature in dark ink, appearing to read 'Christine L. Maticic', enclosed within a large, loopy oval shape.

**CHRISTINE L. MATACIC, PRESIDENT**

4/12/2007  
mrp

## **ABSTRACT**

**TITLE:** OKI Fiscal Years 2008 – 2011 Transportation Improvement Program

**DATE:** April 12, 2007

**AUTHOR:** Mark R. Paine

**STAFF:** Aaron C. Crary  
Regina Fauver  
Timothy M. Maltry  
Andrew J. Reser, AICP  
David T. Shuey, GISP

**AGENCY:** The Ohio-Kentucky-Indiana Regional Council of Governments is the Metropolitan Planning Organization for the Greater Cincinnati area. OKI works on an array of regional issues related to transportation planning, commuter services, and air and water quality.

Mark R. Policinski, Executive Director  
Robert Koehler, Deputy Executive Director

### **REPORT**

**ABSTRACT:** The preparation of the Transportation Improvement Program (TIP) is a requirement in order to qualify the region for continuing eligibility for federal highway and transit funding assistance. The TIP is a program of publicly funded transportation improvements for the OKI region. Although OKI produces the TIP on a biennial basis, each edition covers a period of four years. Along with an overview of the transportation planning process through which projects are generated, the TIP provides a list, by county, of all federally assisted highway and transit improvements that are contemplated by municipal, county or state governments or transit authorities.

Ohio-Kentucky-Indiana Regional Council of Governments  
720 East Pete Rose Way, Suite 420  
Cincinnati, OH 45202

Telephone: 513/621-6300      Fax: 513/621-9325  
Website: [www.oki.org](http://www.oki.org)